



Appeal Decision

Inquiry opened 29 October 2013

Site visit made on 8 November 2013

by D R Cullingford BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2013

Appeal Ref: APP/A0665/A/13/2197189

**Land bounded by Kennel Lane, Chester Road and Dalefords Lane,
Sandiway, Cheshire, CW8 2DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is by Ashall Homes Limited against the decision of the Chester West and Chester Council.
- The application (ref: 12/05143/OUT and dated 16 November 2012) was refused by notice dated 18 February 2013.
- The development proposed is described as an outline application for the 'development of up to 100 dwellings, together with associated infrastructure and open space provision'.

Summary of Decision: ~ The appeal is dismissed

Reasons

The site and surroundings

1. The site is a relatively flat field (used until last year as arable land) at the southern edge of Sandiway; it extends to about 5.2ha. It lies behind a roadside hedge to the south of the busy Chester Road (part of the A556) and the plethora of estates that form much of the joined settlements of Sandiway and Cuddington. The field extends southwards for almost 300m along Kennel Lane beside the expanse of Kennel Wood (to the west) to reach the bridleway and hedgerow edge above slopes into a reclaimed quarry (to the south): and, it projects some 230m along the sylvan borders of Dalefords Lane (to the east), here a straight road towards Winsford. The submitted assessments demonstrate that there is little of ecological interest on the site and, subject to suitably worded conditions, that the proposed development would not harm any protected species or impair biodiversity: the desk-top archaeological assessment indicates the likely absence of remains, though the proximity of the Roman Chester Road might warrant an appropriate investigation. The settlement (including the development permitted at Golden Nook) extends some 800m to the east and west of the site; the estates, a Chinese Restaurant and a delicatessen with a Post Office lying on the north side of Chester Road and 2 ribbons of large houses in substantial plots, a Craft Centre and a Rest Home, all interspersed with woods and open fields, lining the southern side of the road. A scattering of dwellings stand on the eastern side of Dalefords Lane. Footpaths extend into Kennel Wood and a bridleway runs along the southern boundary of the site with connections further afield into the surrounding countryside.

2. Sandiway and Cuddington form an extensive settlement of estates with some 2000 dwellings arranged around a variety of closes and culs-de-sac. Before the explosion of building in the late 1950s and 1960s, information in the Design and Access Statement shows a triangle of development along School Lane, Weaverham Road and Chester Road, divorced from the villages of both Sandiway and Cuddington but (as old maps confirm) containing a Post Office and the old school. The combined settlement now boasts 2 parades of shops and 2 primary schools: there are children's nurseries, a dentist, a GP and a pharmacy: there is also a large sports field, a fine village hall, a library, a bowling club, a golf club, and an historic railway station. There is an hourly train service connecting Cuddington station (about 1.6km distant) to both Chester and Manchester with a 2-hourly service on Sundays. During the day, but not in the evenings, buses ply along Chester Road and School Lane with stops adjacent or close to the site. Service 82 runs at half-hourly intervals on weekdays (hourly on Saturdays) to Northwich and Chester, connecting to the main west coast railway line at Hartford.

The proposal

3. The application is made in outline with scale, layout, appearance and landscaping reserved for subsequent approval. It explicitly involves a proposal for up to 100 dwellings with access shown from Dalefords Lane. It is now agreed that appropriate visibility splays can be achieved without the need to fell any trees, save 2 for arboricultural reasons. An illustrative Masterplan indicates the sort of landscaping, layout and scale currently envisaged while the Design and Access Statement provides an outline of further details relating to the palette of materials and the appearance of the buildings. The intention is that a mix of dwellings would be built in terms of size and tenure. The majority (50%) would be 4-bedroom properties, with about 30% being 2 and 3-bedroom dwellings, a few (7%) being bungalows and some 13% being 5-bedroom homes. The houses would be predominantly 2 storeys in height with some 2½ storey buildings positioned as 'landmarks' at focal points within the layout. There would be 30 'affordable dwellings' (30%) 'pepper-potted' across the site amongst the 70 'open market' properties.
4. The dwellings would be laid out amongst a carefully coordinated series of landscape corridors designed to respond to the different 'character zones' identified around the site. Some 1.9 ha (about 37% of the site) is shown as providing some form of open space, including 0.8ha of informal play space, 0.4ha of formal recreational space and 0.7ha of landscape 'buffer zones' accommodating footpaths with the opportunity for connections to the public rights of way through the surrounding woods and countryside. In addition, an attenuation pond of 0.14ha, associated with the SUDS proposals, would add to the 'countryside buffer zone' towards the south west corner of the site.
5. A signed and dated section 106 Agreement would secure the provision of the open space and contributions of nearly £62,300 would be made towards the provision of additional primary school places, new bus stop facilities in School Lane and improvements to off-site playing pitches at Moss Farm in Northwich (just 4km away) in accordance with the Council's Playing Pitch Strategy. The submitted 'advisory note' (document 21) explains how these provisions conform to the CIL Regulations. I agree. These contributions would thus be material considerations in favour of the scheme. Suggested conditions would ensure that the scheme would be implemented as intended: that provision of

the 'affordable dwellings' would be secured: and, that a puffin crossing would be installed across Chester Road to enhance pedestrian accessibility.

Planning policy and the main issues

6. The Development Plan currently encompasses the 'saved' policies of the Vale Royal Local Plan First Review Alteration (2006). The Structure Plan and the North West of England Plan (2008) are no more. In addition, there are SPDs all adopted in 2007 on Affordable Housing (SPD1), Managing Housing Land Supply (SPD2), Developer Contributions (SPD3) and Landscape Character (SPD5). The site is shown as lying within the open countryside in the Local Plan, adjacent to, but just beyond, the settlement limits. Indeed, the bulk of the settlement is clearly defined behind a triangular configuration of roads formed by the A556 to the south, the A49 to the north west and a combination of Norley and Weaverham Roads to the north and east. Areas to the north west and north east of the settlement are designated as Green Belt or as Areas of Significant Environmental Value ('saved' policy NE12) or both. The latter are deemed to contribute to the character of the old Vale Royal Borough or to the towns and villages within it and development harmful to the character of such areas is to be prevented: inappropriate development (such as an expanse of housing) within a Green Belt is only to be allowed in very special circumstances. The area to the south of the settlement beyond the A556 is designated as 'open countryside', the character and appearance of which is to be protected and new building, other than that accommodated by other policies in the Local Plan, is to be prevented ('saved' policy GS5).
7. Consultation has just ended (6 November 2013) on the 'publication draft' version of the newly emerging Local Plan, following publication of documents dealing with 'issues and options' and a 'preferred strategy'. As yet, however, the mooted policies to be pursued in the emerging Local Plan remain uncertain in advance of their Examination (currently due in the spring of 2014) and unresolved objections. In any case, it is agreed, for the purposes of this appeal, that a 5-year supply of housing land cannot be demonstrated and that, on the basis of the last publicly tested requirement (set out in the revoked North West of England Plan – the RSS) there is sufficient housing land only for some 2.5 to 2.8 years. It is thus also accepted that policy GS5 is 'out-of-date' and that settlement boundaries are in 'urgent need of comprehensive review' (document 10.22). In those circumstances, housing applications are to be considered in the context of the presumption in favour of sustainable development and decisions made in accordance with paragraph 14 of the Framework (NPPF). For this appeal that paragraph indicates that permission should be granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would be significantly and demonstrably outweighed when assessed against the Framework taken as a whole.
8. In that context, the Council acknowledge that the provision of market and affordable housing would constitute clear benefits of the scheme. But, their remaining objection is that the adverse impact of the proposal on the landscape and townscape, contrary to 'saved' policy BE1, would significantly outweigh those benefits. It is agreed that the provision of a 'puffin' crossing, together with the contributions to be secured by the section 106 Agreement, would overcome their initial concerns relating to highways, education and open space.

9. Local residents endorse the concerns relating to the impact of the scheme on the landscape and the character of the settlement. They see this agricultural field as a cherished window on to open countryside beyond the clear physical boundary of the A556 and the sylvan seclusion of Kennel Lane as a peaceful pathway into the surrounding woods and woodland walks. In addition, they remain concerned about the need to cross a busy road, even one no longer designated as a 'red' route, to reach almost all the local facilities on offer, albeit that some are not within easy walking distance. They consider that the traffic generated by the proposal would exacerbate turning movements and dangers experienced at the signal controlled crossroads on Chester Road (with Dalefords Lane and School Lane) and that the proximity to, and uncoordinated operation of, a 'puffin' crossing and those traffic signals would make matters still worse. They point out that Dalefords Lane serves as a main route to Winsford and that it can feed a 'rat-run' through the settlement to the A49 and Warrington via School Lane and its awkward junction with Weaverham Road.
10. In those circumstances, and from all that I have heard, read and seen, I consider that this case turns on:
- i) whether the contribution of this scheme to reducing the identified shortfall in housing would be sustainable, or
 - ii) whether any adverse impact on the character of the countryside and the settlement would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole, or
 - iii) whether the traffic generated by this estate would entail any residual cumulative impact severe enough to prevent this proposal.

Housing land supply

11. On the agreed basis that there is only sufficient identified housing land for 2.5 to 2.8 years the shortfall would be up to some 6000 dwellings; such a deficit would engulf recent annual completion rates entirely for the next 7 years. It is difficult to see how the exhortation (in the Framework) that local planning authorities should 'boost significantly the supply of housing' can now be addressed. Although it is clear that considerable efforts are being made to identify and annually update a supply of specific deliverable sites in the SHLAA and in the Housing Land Monitoring Report, there remains no adequate and explicit 'management measure' to address the acknowledged shortfall and to proactively bring forward housing sites for development. The mechanism set out in SPD2 actually serves to constrain the delivery of 'windfall' sites. Moreover, the requirement (of the Town and Country Planning (Local Planning) (England) Regulations 2012) that any document relating to the development, use or allocation of land must be a DPD, effectively ties the emergence of any appropriate planning mechanism to proactively deliver the housing required (both to promote economic growth and to foster 'sustainable development') to the emergence of the new Local Plan. In the meantime, 'the planned release of green-field land [would] appear inevitable' (document 10.22).
12. A 'golden thread' running through the Framework is the presumption in favour of sustainable development. It is clear that, in planning policy terms (as currently expressed), the joint settlement of Cuddington and Sandiway forms a sustainable place. It is identified as a 'Tier 1 location' (from a 4-tier hierarchy) in 'saved' policy H4 and, although local people do not entirely agree, it is thus deemed to be one of the most sustainable settlements both in terms of

offering opportunities to travel by means other than the private car and in the range of services and facilities contained within it. It is also explicitly identified as being on the 'edge of Northwich' where initial housing allocations were made to 'directly support regeneration priorities' (as indicated in the 'reasons and explanations' relating to 'saved' policy H2). In those circumstances, the acceptance that policy GS5 is 'out-of-date' and that settlement boundaries are in 'urgent need of comprehensive review', indicates that land on the edge of this settlement would offer a sustainable location in which to accommodate a significant contribution to the housing required, unless there are compelling reasons to the contrary.

13. There is also a need to provide affordable housing in Sandiway and Cuddington. There is a net annual shortfall of 714 'affordable' homes identified in the latest SHMA within the whole of the Council's area and an annual requirement within the Cuddington and Sandiway of 12 'affordable' dwellings. Hence, the provision of the 'affordable housing' required here would make an important contribution to meeting either the outstanding or clearly identified local need; indeed, it would represent about 50% of the latter requirement over the next 5 years. Moreover, it is envisaged that the 'affordable dwellings' would be indistinguishable from the mix of types and sizes of open market housing across the site. This provision would thus entail an important benefit of the scheme.
14. Being in a sustainable location and entailing the economic and social benefits inherent in the provision of both market and affordable housing, this proposal should benefit from the presumption in favour of sustainable development unless material impediments or policies were to indicate otherwise (as outlined above). I address those matters below.

Character and countryside

15. The 'core principles' of the Framework set out aims requiring places in which people live their lives to be enhanced, high quality design to be secured and the intrinsic character and beauty of the countryside to be recognised. The exhortation that schemes should properly reflect local character, reinforce local distinctiveness and provide a good standard of amenity for all chimes with the requirements set out in 'saved' policy BE1. Hence, those tests are relevant here.
16. It seems to me that the proposal would encroach significantly into the countryside and result in a form of development unrelated to the character of the settlement or its surroundings. The estate would intrude almost 300m southwards beside the sylvan expanse of Kennel Wood and some 230m to the south of Chester Road along a tree-lined stretch of Dalefords Lane. There is no development in depth to the south of Chester Road. The 2 ribbons of large houses in substantial plots to the east and west of the appeal site frontage are just that. Set well back from the roadside, usually behind mature trees and much foliage, they serve to emphasise this natural 'edge' to the settlement and herald the approach of open countryside, rendered all the more evident by intervening woods and fields. The scattering of dwellings along the eastern side of Dalefords Lane bears very little resemblance to the estates that typify the settlement to the north of the main road. Indeed their origin as an imposing lodge, a smithy and stables reinforces their rural, rather than their urban, characteristics. And, their loose, disjointed arrangement makes a striking contrast with the neat building lines and plotted layouts evident within

Sandiway and Cuddington. In those circumstances, I think that the scheme would be seen as an intrusive and incongruous outlier to the settlement and as a significant urban encroachment into the countryside beyond.

17. The appeal site forms an intervening rural element that contributes to the semi-rural character evident along the southern side of Chester Road. It is part of the interplay between the spacious plots of ribbon development and the intervening woods, fields and open areas that creates this apparent natural boundary to the settlement. And, being at the centre of that road frontage, it plays a particularly crucial role in the perception of that natural 'edge'.
18. It is also an element in the landscape mosaic of open, straight-sided fields, woodlands and old quarries that is part of the Delamere Forest 'landscape character area' (denoted as 'landscape character area' 1A in SPD5). True, this field is not especially large. But, it provides an open expanse across which the enclosing contrast of Kennel Wood is evident, the open tree-dominated skyline (to the south) is perceived and the 'great diversity of visual experiences' is apparent. These are all identified as key characteristics of this particular 'landscape character area'. And, the appeal site provides an open expanse across which those characteristics can be perceived. It is not enclosed and separated from its rural surroundings. On the contrary, it is integral to them and visually connected over, through and often between the boundary foliage. The proposal would alter that connection, intrude into the landscape and, in spite of the careful planting envisaged, substitute an obviously urban enclave for the diversity and contrasts evident in this segment of countryside.
19. I consider that the urban influences on the appeal site have been exaggerated. Of course, Chester Road is broad and busy: it is adorned with street lights, traffic signals, road signs and an enforcement camera: it is not tranquil: and, it is lined with roadside development to the north and intermittent ribbons of large dwellings to the south. But the submitted photos and photomontages demonstrate (as did the site inspection) that there are open views across the appeal site towards the woods or countryside beyond from positions on Chester Road to the north east, north and north west of this field. The length of close boarded fencing at Sandiway Lodge is evident. But, it fronts a grass verge rather than a footway and it is dominated by a dense belt of mature woodland that shrouds the 'rest home' and is likely to also shroud the permitted extension. Open fields, together with that woodland, herald the approach of the appeal site from the east: Kennel Wood serves as an enveloping backdrop to the ribbon of large dwellings in approaches from the west: the open expanse of the appeal site is evident along much of the adjacent sections of Kennel Lane and Dalefords Lane. The site remains an evident element of countryside amongst several other features (trees, woods, verges and fields) that contribute to the semi-rural character here.
20. I do not agree that there is any perception of having 'arrived in the settlement' at the old quarry entrance in Dalefords Lane, some 400m to the south of Chester Road and about 180m south of the proposed estate. Although the old entrance is disfigured by bits of debris, it lies amidst fields and farmland and above the attractive landscaped sweep (and footpaths) across the reclaimed quarry. There is nothing urban here. And, although the traffic lights on Chester Road can be seen, together with some of the development behind the foliage on the north side of the carriageway, it seems to me that those features could hardly identify the edge of the settlement more clearly. In any

case, if the perception of leaving the settlement with the appeal scheme in place would arise at the southern extremity of the proposed estate, it is difficult to comprehend quite how, in the absence of such development, the feeling of having arrived within it would be manifest some 180m further away. Nor do the converted stables present an obviously urban building form (as indicated above) and their juxtaposition with the open expanse of the appeal site serves to accentuate their rural presence. The permitted change of use from 'live-work' units to dwellings would not obviously alter that perception and the application to erect a couple of bungalows in the adjoining 'rural' paddock has yet to be determined. Views across the open fields to the 3 large isolated dwellings on Cockpit Lane (some 300m away) do not urbanise this roadside scene. Nor do I consider that the junctions on Chester Road (with Weaverham Road and School Lane) could be described accurately as 'two significant nodal points in the settlement'. They are physically on the edge of the settlement; indeed, they were once part of an enclave physically divorced from the old villages of both Sandiway and Cuddington. Hence, it seems to me that Dalefords Lane is essentially a rural road through rural surroundings and that its approach to the settlement serves to reinforce the perception of Chester Road as the natural edge to the place.

21. The rural, sylvan and peaceful ambience of Kennel Lane is clearly evident. The noise and presence of the traffic on Chester Road soon fades past 'Little Foxes' and the enveloping woods and open presence of the appeal site dominate towards the beckoning paths across the countryside beyond. The scattering of dwellings on Dalefords Lane can be seen across the site behind the roadside trees, together with views of the tree-lined hedgerow along the southern boundary: on the opposite side of the Lane there are views into the expanse of Kennel Wood. This is clearly a rural lane beyond any settlement; in my view, the views across the appeal site contribute to that rural character.
22. I have considered the assessment of the visual impact of the scheme with some care. To be fair, I think that both main parties exaggerate a bit in favour of their own cause; that is understandable. However, I find that there are omissions and (in my opinion) misconceptions entailed in reaching the view that there would be 'very limited receptors experiencing adverse visual effects of moderate significance at year 1 and none at year 15'.
23. It seems to me that that view is derived by ignoring several classes of receptor deemed to be those most susceptible to change, such as pedestrians, walkers and, perhaps, communities. And, it flows from an oddly truncated scale used to assess the magnitude of the visual effects ranging from 'neutral' through to 'medium' via 'very low', 'low' and 'medium-low'. As just one example, I do not see how the magnitude of change entailed in transforming a field into a housing estate and viewed by a resident from the upper floors of a property on Chester Road could be described as, at worst, 'medium-low' at the outset (document 7.6 row 1). The new dwellings would be readily evident in much of that view (in spite of the intervening hedge and proposed landscaping) especially as the intended 'visual permeability through the development' would actually provide an awareness of the depth of building there. I think that the pervasive influence of Chester Road may have been exaggerated and the 'magnitude of change' perceived tempered by the proportion of the appeal site that might be evident. But, whatever the cause, the assessment simply ignores the perception of that same resident while walking along the roadside to the Post Office, to the bus stop, to the delicatessen or on the way to one of

the local schools. I think that the guidance (in CD76) clearly implies that a combination of a 'high' (or substantial) magnitude of change and a 'highly sensitive' receptor ought to result in a significant visual effect that is 'major adverse'. Of course, there may still be impacts of 'neutral' or 'moderate' significance in relation to other receptors and other views. But, I do not accept that several receptors (walkers on Kennel Lane and the footpaths to the south, residents in Dalefords Lane and both pedestrians and residents on Chester Road) would not experience adverse impacts of 'major' significance.

24. I realise that areas to the north west and north east of the settlement are designated as Green Belt or protected under policy NE12 as contributing to the character of the landscape or to the towns and villages within it. The area to the south of the A556 is 'protected' only as 'open countryside'. However, that does not mean that the landscape of which the appeal site is a part is not worth protecting for its own sake. Like other undesignated places, it is capable of having value. The value and function of the appeal site is indicated above. Moreover, it does not follow from acceptance of the fact that policy GS5 is 'out-of-date' and that settlement boundaries are in 'urgent need of comprehensive review', that the severe restrictions designed to protect the character of the countryside should be discarded, especially where the aims of that policy continue to chime with the advice of the Framework. Essentially, the policy operates in support of other valid planning purposes as well as reflecting policies for the supply of housing (cf the *William Davis* judgement at ID4). So, while an outdated policy might not of itself justify protection for this settlement boundary, the clear natural distinction between the character of the northern and southern sides of Chester Road, as well as the character of the countryside there, might well be worth maintaining for sound planning reasons. Such considerations form part of the balance to be struck here.
25. I think that the scheme itself, as shown on the illustrative Masterplan, would provide a template on which to base a high quality design laid out amongst a carefully coordinated series of landscape corridors. But, in relation to this settlement and in this position, I consider that it would result in severe and irrevocable damage. It would intrude into a characteristic landscape, substituting an obviously urban enclave for the diversity and contrasts evident in this segment of countryside and encroaching significantly beyond an evident edge to the settlement into the rural surroundings. The scheme would result in a form of development unrelated to the character of the settlement and entailing adverse visual impacts of 'major' significance. I consider that such harmful effects would result in the proposed estate being seen as an intrusive and incongruous outlier to the settlement and its significant encroachment beyond Chester Road as spoiling the countryside. The scheme would thus fail to accord with policy BE1 and fail to reflect several core planning principles set out in the Framework.

Traffic

26. Much is now agreed relating to the traffic implications of the proposal and some of the matters that might otherwise have been debated are the subject of planning policy. Hence, although local people do not entirely agree, the joint settlement of Cuddington and Sandiway is identified in the current Local Plan as one of the most sustainable settlements in terms of offering alternative modes of transport by other than the private car and in accommodating a reasonable range of services and facilities. It is agreed that the A556 is no

longer a trunk road or 'red' route and that it accommodates peak traffic flows well below its design capacity. It is also agreed that the proposed access arrangements from Dalefords Lane would be adequate and safe, providing visibility splays commensurate with the speed of the traffic. I saw that there was space for substantially more than 5 cars to park at the station and that there is an hourly service available throughout much the day and evening in both directions. I also saw that there was more than adequate visibility for a driver emerging on to Chester Road at the 'stop' line on Weaverham Road and, in spite of the awkward arrangement of the junction with School Lane, that it appeared to be capable of negotiation with care. And, although the modelling of the traffic distributions from the appeal site appeared somewhat counter-intuitive, I accept that this would have created a 'worst case' scenario for subsequent analyses, all of which demonstrated adequate capacity.

27. It remains to consider the impact of the scheme on accidents at the signal-controlled junction at Chester Road and Dalefords Lane and the effect of the uncoordinated operation of those signals and the proposed puffin crossing. Analysis of past accidents indicates that the average annual rate of personal injury accidents at this junction has been substantially below the level that might have been expected at similar junctions elsewhere. It is not, therefore, a cause of concern to the Highway Authority. More importantly, although there may be a hint of an accident pattern (related to turning movements) at this junction, there has been no personal injury accident recorded since the enforcement camera was installed early in 2012. The 'safety team' indicate that they are no longer concerned about this junction. In the circumstances that pertain, I see no reason to doubt that judgement.
28. The puffin crossing has been carefully designed and positioned to accommodate merging and diverging lanes on Chester Road approaching the existing traffic lights, the bus stop lay-by, the restaurant car park, turning lanes at the road junctions and the proposed development. Because Chester Road is not a trunk road those arrangements are not required to adhere to the standards indicated in TD42/95. Indeed, the advice is that 'strict application of DMRB (Design Manual for Roads and Bridges) to non-trunk road routes is rarely appropriate for highway design in built up areas regardless of traffic volume' and it is for the Highway Authority to decide the extent to which the standards in the manual might be appropriate. In this case, the Highway Authority are satisfied that the proposed arrangements would be appropriate and safe. Moreover, the modelling undertaken indicates that queues ease and capacity increases at the signal controlled junction with the puffin crossing in place. Although counter-intuitive at first sight, it would appear that the crossing might operate as something of a traffic calming installation, helping to channel vehicles into appropriate lanes, organising and providing for turning manoeuvres and controlling queues.
29. For those reasons, I consider that these proposals would not seriously exacerbate traffic hazards, but provide a safe and convenient means to facilitate pedestrians crossing Chester Road.

Conclusion

30. I have found that the need to make sufficient provision for housing, and to boost supply significantly, remains a primary consideration given the shortfall in the 5-year supply of housing land and the contribution the scheme would make to the provision of 'affordable housing' in Sandiway and Cuddington. In

addition, as the Economic Benefits Statement describes, there would be financial and employment benefits often associated with a housing development of this size and commensurate social benefits associated with additional dwellings, open space, sustainable linkages and the like. The scheme would not exacerbate traffic hazards and it would provide a safe and convenient crossing facility for pedestrians. Given the sustainability of the site, this proposal must benefit from the presumption in favour of sustainable development unless significantly and demonstrably outweighed by material impediments or policies.

31. I consider that there are policies and impediments demonstrating clearly and convincingly that this scheme should be prevented. I find that it would result in severe and irrevocable damage to the landscape, the countryside and the character of this clear edge to the settlement. By extending so far into the rural surroundings to the south of the Chester Road, I find that the proposal would result in an intrusive and incongruous outlier entailing adverse visual impacts of 'major' significance. Such harmful effects would be contrary to policy BE1 and fundamentally undermine several of the core planning principles outlined in the Framework.
32. In balancing that damage against the benefits identified, I find that the housing land shortfall is District-wide and that the damage due to the proposal would be irrevocable and irreversible. In the particular circumstances of this case, I consider such damage significantly and demonstrably outweighs the presumption in favour of sustainable development that would otherwise pertain. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

Decision

33. I dismiss this appeal.

David Cullingford
INSPECTOR

APPEARANCES
FOR THE APPELLANTS:

Roger Lancaster	of Counsel	Instructed by: Eversheds LLP
He called:		
Alan Davies	MSc CMILT MIHT MAPM	Director, DTTC
Matthew Chard	BA DipLA MAUD CMLI	Partner, Barton Willmore
Dan Mitchell	BA DipTP MRTPI DMS	Partner, Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY:

Martin Carter	of Counsel	Instructed by: Daniel Dickinson, Legal Manager, Environment Team, Cheshire West and Chester Council
He called		
John Seiler	DipLA CMLI	Principal Landscape Architect, Cheshire West and Chester Council
Brian Leonard	BA AdvDip MRTPI	Senior Planner, Cheshire West and Chester Council

FOR THE SANDIWAY AND CUDDINGTON COMMUNITY GROUP:

Christopher Johnson	Solicitor	
He called		
Michael Kitchen	BSc MSc CMILT	Director, SK Transport Planning Limited
Helen Smith		Logistics analyst and local resident

INTERESTED PERSONS:

Cllr Kenneth Nixon	Parish councillor and local resident
Ian Smith	Local resident
Alan Latham	Local resident
Janet Mashlan	Local resident
Sheila Evans	Local resident
David Roberts	Local resident
David Pounder	Local resident
Peter Frommert	Local resident
Jack Grindrod	Local resident
Yvonne Gillick	Local resident
Brian Carter	Local resident
Cllr John Grimshaw	Cuddington and Sandiway Ward
Juan Cunliffe	Local resident
Adrian Smith	Local resident

DOCUMENTS

Document	1	Lists of persons present at the Inquiry
Document	2	Proof and summery ~ Alan Davies
Document	3	Appendices A-C ~ Alan Davies
Document	4	Figures ~ Alan Davies
Document	5	Supplementary proof and appendices ~ Alan Davies
Document	6	Proof and summery ~ Matthew Chard
Document	7	Appendices 1-4 and 6 ~ Matthew Chard
Document	8	Appendix 5 ~ Matthew Chard
Document	9	Proof and summery ~ Dan Mitchell
Document	10	Appendices 1-29 ~ Dan Mitchell
Document	11	Proof and appendix ~ Brian Leonard
Document	12	Summary proof ~ John Seiler
Document	13	Proof and appendices 1-6 ~ John Seiler
Document	14	Summary proof ~ Michael Kitchen
Document	15	Proof ~ Michael Kitchen
Document	16	Appendices A-N ~ Michael Kitchen
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Document	18	Schedule of representations submitted in relation to the appeal
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Document	20	Signed and dated section 106 Agreement
Document	21	Advisory note on conformity of Agreement with CIL Regulations
Document	22	Opening submissions on behalf of the appellant
Document	23	Closing submissions on behalf of the appellant
Document	24	Opening submissions on behalf of the Council
Document	25	Closing submissions on behalf of the Council
Document	26	Schedule of Core Documents

CORE DOCUMENTS

CD01	Appeal Document	Statement of Common Ground between Appellant and CWaC
CD02	Appeal Document	Statement of Highways Common Ground between Appellant and CWaC
CD03	Appeal Document	Appellant Statement of Case
CD04	Appeal Document	CWaC Statement of Case
CD05	Appeal Document	Sandiway and Cuddington Community Group Statement of Case
CD06	Appeal Document	Draft Planning Conditions agreed between Appellant and CWaC
CD07	Appeal Document	Draft S106 Agreement between Appellant and CWaC
CD08	Application Document	Application Form and Certificate B
CD09	Application Document	Planning Statement
CD10	Application Document	Design and Access Statement
CD11	Application Document	Statement of Community Involvement

CD12	Application Document	Economic Benefits Statement
CD13	Application Document	Landscape and Visual Appraisal
CD14	Application Document	Arboricultural Report
CD15	Application Document	Extended Phase 1 Habitat Survey
CD16	Application Document	Phase 1 Geotechnical and Geo-environmental Desk Study Report
CD17	Application Document	Cultural Heritage Desk-Based Assessment
CD18	Application Document	Transport Assessment
CD19	Application Document	Travel Plan Framework
CD20	Application Document	Flood Risk Assessment
CD21	Application Document	Drainage Assessment
CD22	Application Document	Utilities Report
CD23	Application Document	Supplementary Note to the Planning Statement
CD24	Application Document	Tree Bat Survey
CD25	Application Drawing	Site Plan (Ref. 01-21261)
CD26	Application Drawing	Site Location Plan (Ref. 02-21261)
CD27	Application Drawing	Illustrative Masterplan (Ref. 03-21261 Rev. B)
CD28	Application Drawing	Landscape Strategy Plan (Ref. L3-21261 Rev A)
CD29	Application Drawing	Access Strategy Drawing (Ref.J259/access/Fig1 Rev A)
CD30	Application Drawing	Off-Site Mitigation Drawing (Ref. J259/Offsite/Fig2)
CD31	Policy Document	Vale Royal Local Plan First Review Alteration (2006)
CD32	Policy Document	North West of England Plan: Regional Spatial Strategy to 2021
CD33	Policy Document	The North West Plan Submitted Draft Regional Spatial Strategy for the North West of England – Technical Appendix (January 2006)
CD34	Policy Document	National Planning Policy Framework (2012)
CD35	Policy Document	Draft National Planning Policy Guidance (2013)
CD36	Policy Document	Vale Royal SPD3: Developer Contributions (2007)
CD37	Policy Document	Vale Royal SPD5: Landscape Character (2007)
CD38	Policy Document	Planning for Growth – Ministerial Statement (March 2011)

CD39	Policy Document	Natural England National Character Area Profile Character Areas 61/62, included within Countryside Character Volume 5 – West Midlands (Countryside Agency, 1999)
CD40	Policy Document	Cheshire Landscape Character Assessment (2008)
CD41	Policy Document	Chief Planning Officer Letter (31/03/11)
CD42	Policy Document	Housing and Growth Statement (September 2012)
CD43	Policy Document	CWaC Publication Draft Local Plan
CD44	Policy Document	CWaC Local Plan Preferred Policy Directions (August 2012)
CD45	Policy Document	CWaC 2013 SHLAA
CD46	Policy Document	CWaC Key Service Centre Background Paper (July 2013)
CD47	Policy Document	CWaC SHMA 2012
CD48	Policy Document	Housing Land Monitoring Report (September 2012)
CD49	Policy Document	Fields in Trust Guidance (Planning and Design for Outdoor Sport and Play) (2008)
CD50	Policy Document	Play England (Design for Play: A Guide to Creating Successful Play Areas)
CD51	Policy Document	Manual for Streets (2007)
CD52	Policy Document	Manual for Streets 2 (2010)
CD53	Policy Document	CWaC Publication Draft Local Plan- Review of Proposed Housing Provision (August 2013)
CD54	Consultation Response	Environment Agency (11/12/2012)
CD55	Consultation Response	United Utilities (14/12/2012)
CD56	Consultation Response	Archaeology Planning Advisory Service (11/12/2012)
CD57	Consultation Response	CWaC Biodiversity Officer (12/12/2012)
CD58	Consultation Response	CWaC Education Team (21/12/2012)
CD59	Consultation Response	CWac Housing Team (15/02/13)
CD60	Consultation Response	CWaC Landscape Team (18/12/12)
CD61	Consultation Response	CWaC Landscape Team (02/01/13)
CD62	Consultation Response	CWaC Spatial Planning Team (18/12/12)
CD63	Consultation Response	CWaC Tree Team (02/01/13)
CD64	Consultation Response	CWaC Greenspace Team (06/12/12)

CD65	Consultation Response	CWaC Play Development Team (20/12/12)
CD66	Consultation Response	Cuddington and Sandiway Parish Council (18/12/12)
CD67	Decision Notice	Decision Notice (18/02/13)
CD68	Officer Report	Officer Report (18/02/13)
CD69	Pre-Application	Pre-Application Letter from CWaC (27/09/12)
CD70	Screening Opinion	Screening Opinion from CWAC (27/09/12)
CD71	Other Information	Proof of Evidence of Mr Duncan McCorquodale (September 2013)
CD72	Policy Document	CWaC SHMA Update 2013
CD73	Policy Document	National Planning Practice Guidance 2013 (DRAFT)
CD74	Appeal Document	Statement of Highways Common Ground between Appellant and Sandiway and Cuddington Community Group
CD75	Policy Document	Guidance for Landscape and Visual Impact Assessment (2 nd edition-2003)
CD76	Policy Document	Guidance for Landscape and Visual Impact Assessment (3 rd edition-2013)
CD77	Policy Document	Landscape Institute Advice Note 01/11- Photography and Photomontage in Landscape and Visual Impact Assessment
CD78	Appeal Document	Appellant Landscape Plan (21261) L8- Site Location within Map of Relative Tranquillity
CD79	Appeal Document	Appellant Landscape Plan (21261) L9- Site Location within National Intrusion Map
CD80	Appeal Document	Revised Illustrative Masterplan
CD81	Policy Document	Vale Royal Local Plan Inspector's Report (2005)
CD82	Policy Document	Housing Land Monitor December 2012

INQUIRY DOCUMENTS

- ID1 *Briefing note on the use of DMRB ~ Alan Davies*
- ID2 *Suggested replacements for conditions 29 and 31*
- ID3 *Extract; Town and Country Planning (Local Planning) (England) Regulations 2012*
- ID4 *High Court Judgement: William Davis Limited and Jelson Limited v SoS and North West Leicestershire District Council, EWHC 3058 2013*
- ID5 *Planning permission for a change of use of existing live-work units to dwellings at 4 & 5 Stable Mews, Dalefords Lane*
- ID6 *Proposal for 2 bungalows in paddock on Dalefords Lane*
- ID7 *Statement from Cllr John Grimshaw*
- ID8 *Statement from Cllr Kenneth Nixon for the Cuddington Parish Council*
- ID9 *Start of the 'red bus' video (which we could not get to work)*

ID10 *Statement sent by Claire Fawkes*

ID11 *Letter sent by Claire Britton*

PLANS

Plans	A	1	Site Plan	01	21261
		2	Location Plan	02	21261
		3	Illustrative Masterplan	03	21261 Rev C
		4	Proposed Junction details	CLXX(93)4001	Rev A
Plan	B		Proposed Junction details CLXX(93)4001; preliminary		
Plan	C		Distance measurements in relation to the site and nearby development		
Plan	D		Site context and visual appraisal; large version		
Plan	E		Illustrative Masterplan 03 21261 Rev B		
Plan	F		Junction and puffin crossing details; J259/Offsite/Fig2 Rev B		
Plan	G		Extract; Local Plan Proposals Map, Cuddington & Sandiway		

Richborough Estates